

U.S. Department of Justice

United States Attorney Eastern District of New York

NMA/RMN/AL

271 Cadman Plaza East
Brooklyn, New York 11201

May 8, 2012

By ECF and Electronic Mail

Sarita Kedia, Esq. Elizabeth Macedonio, Esq. Gerald McMahon, Esq.

Re: United States v. Francis Guerra, et al. Criminal Docket No. 10-0147 (S-4) (SLT)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby provides notice that it intends to call the experts whose anticipated testimony at trial is described below. The government reserves the right to call substitute expert witnesses as well as to call additional expert witnesses, and will provide advance notice of any intent to do so. The government also renews its request for reciprocal discovery from the defendants, including notice of any anticipated defense experts.

I. Medical Examiner Testimony

The government intends to call the following medical examiners to testify during trial.

A. Dr. Jonathan Arden

The government will seek to qualify Dr. Jonathan Arden, M.D., as an expert in forensic pathology. Dr. Arden's curriculum vitae is attached. Dr. Arden will testify about the autopsy he performed on Michael Devine on January 25, 1992. Dr. Arden is expected to testify about the Devine autopsy consistent with the report previously produced in discovery as discovery exhibit number 254.

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B. Dr. Shirley Tepper

The government will also seek to qualify Dr. Shelley Tepper, M.D., as an expert in forensic pathology. Dr. Tepper's curriculum vitae is attached. Dr. Tepper will testify about the autopsy she performed on Joseph Scopo on October 21, 1993. Dr. Tepper is expected to testify about the Scopo autopsy consistent with the report previously produced in discovery as discovery exhibit number 196.

II. Ballistics Examiner Testimony

A. Detective Steven Fiorica Firearms and Ballistics Expert

The government will seek to qualify Detective Steven Fiorica of the New York Police Department ("NYPD") as an expert in the field of firearms and ballistics. He is expected to testify to the results of the ballistics evidence recovered from the murder of Joseph Scopo. Detective Fiorica was assigned to the Firearms Analysis Section of the NYPD for approximately 15 years. Detective Fiorica has conducted thousands of ballistics comparisons in his career, and has previously been qualified as an expert witness in state and federal court, including in the Eastern District of New York. His report of examination is attached hereto.

If you have questions or requests regarding the contents of this letter, please contact us.

Very truly yours,

LORETTA E. LYNCH United States Attorney

By: /s/

Nicole M. Argentieri Rachel M. Nash

Allon Lifshitz

Assistant U.S. Attorneys

Enclosure

cc: Defense Counsel (by ECF) (w/o enclosures)
Clerk of the Court (SLT) (by ECF) (w/o enclosures)